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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/677,386

10/03/2003

Koji Omae

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9629

22850

7590

11/30/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

VO, NGUYEN THANH

ART UNIT

PAPER NUMBER

2618

NOTIFICATION DATE

DELIVERY MODE

11/30/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/677,386	<b>Applicant(s)</b> OMAE ET AL.	
	<b>Examiner</b> NGUYEN VO	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/23/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naghian (US 2005/0153725) in view of Carolan (US 7,027,432), Gailey (US 2003/0065749) and Shitama (US 2002/0126642).

As to claim 17, Naghian discloses a transfer device (see figure 1; see also paragraph [0111]) provided by a first communications carrier (see network 110; see also paragraphs [0030], [0061]-[0064]), and that performs packet communication with other communication devices (see plurality of mobile nodes MN in figure 1), the transfer device comprising a communication unit configured to receive packets addressed to a mobile terminal connected to an access router included in an access network managed by a second communications carrier (see paragraph [0111]), the mobile terminal located in the access network (see figure 1); the transfer device 125 transfers the packets received by the communications unit to the mobile terminal connected to the access router arranged by the second communications carrier in the second access network (see paragraph [0111]). Naghian fails to disclose a terminal information storage unit configured to store terminal information unique to the mobile terminals allowed to use the packet transfer; and a determination unit configured to determine whether information concerning the mobile terminal included in the packet received by the communication unit coincides with the terminal information stored in the data storage unit, and thereby to determine whether or not to transfer the packets. Carolan discloses a transfer device (see the router 130 in figure 1) comprising a terminal information storage unit configured to store terminal information unique to the mobile terminal allowed to use the packet transfer; and a determination unit configured to determine

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whether information concerning the mobile terminal included in the packet received by the communication unit coincides with the terminal information stored in the data storage unit, and thereby to determine whether or not to transfer the packets (see column 4 line 31 to column 5 line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Carolan to Naghian, in order to ensure packets from a network access device will go to the appropriate service network (as suggested by Carolan at column 4 lines 38-48).

Still as to claim 17, the above modified Naghian fails to expressly disclose that the transfer device is managed by the first communications carrier, and that the access network is managed by a second communications carrier as claimed. Naghian, however, does disclose that the first and second communication local area networks (LAN) have different architectures and protocols (see paragraph [0117]). Therefore, those skilled in the art would have recognized that the first and second local area networks in Naghian could be managed by different communications carriers as claimed. In addition, Gailey discloses transfer devices 26 (see figure 1) for transferring packets between a first local area network 16 and a second area network 18, wherein the first and second local area networks are managed by different communications carriers (see paragraph [0017]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Gailey to the combination of Naghian and Carolan, in order to expand the coverage areas of Naghian's networking.

Still as to claim 17, the above modified Naghian fails to disclose either a Link Care of Address (LCoA) or a Regional Care of Address (RCoA), wherein the Link Care of Address including a network prefix of the access router, which is used to transfer the packets from the transfer device to the mobile terminal, and the Regional Care of Address including a network prefix of another transfer device managed by the first communications carrier and that is located in the access network or on a boundary of the access network. Such a teaching is known in the art as taught by Shitama (see paragraph [0197]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Shitama to the above modified Naghian, in order to ensure that the packets are routed properly to a desired destination.

As to claim 18, it is rejected for similar reasons as set forth in claim 17 above.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 17-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Markki (US 2008/0089257) and Funato (US 2003/0087646) disclose using care of address for routing packet to a desired destination.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGUYEN VO whose telephone number is (571)272-7901. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nguyen Vo/  
Primary Examiner, Art Unit 2618